

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

**DEFENDANT AMERISOURCEBERGEN DRUG CORPORATION'S
MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND COMMUNICATIONS
FROM THE BOARD OF EXAMINERS FOR LICENSED PRACTICAL NURSES**

Pursuant to Rules 26, 34, 37, and 45 of the Federal Rules of Civil Procedure, Defendant AmerisourceBergen Drug Corporation (“Defendant”), by counsel, hereby move for an order compelling the Board of Examiners for Licensed Practical Nurses (“LPN Board”) to produce documents and communications responsive to Defendant’s Subpoena to Produce Documents, Information, or Objections to the LPN Board, served on March 13, 2020, so that Defendant may have a meaningful opportunity to take the fact discovery needed to defend itself in this matter. Defendant’s Motion should be granted for the reasons set forth in the accompanying

memorandum of law, which is incorporated here. Pursuant to LR Civ P 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum, and upon which this Motion relies, are attached to this Motion. Defendant further certifies that it has attempted to contact the LPN Board in an effort to resolve the subject discovery dispute without court intervention, but has failed to receive any response from the LPN Board related to these efforts.

Dated: May 15, 2020

Respectfully submitted,

AmerisourceBergen Drug Corporation

By Counsel:

/s/ Gretchen M. Callas

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2020, Defendant AmerisourceBergen Drug Corporation's Motion to Compel Production of Documents and Communications from the Board of Examiners for Licensed Practical Nurses was sent to Counsel for the Plaintiffs and Defendants using the Court's CM/ECF system, which will send notification of such filing to all counsel of record. Notice of Defendant's Motion to Compel as well as copies of the Motion and its exhibits have been sent to Michelle Mayhew, Executive Director for the Board of Examiners for Licensed Practical Nurses, by electronic mail to the following e-mail address: Michelle.L.Mayhew@wv.gov.

/s/ Gretchen M. Callas
Gretchen M. Callas (WVSB # 7136)